

BRIAN SANDOVAL
Governor

STATE OF NEVADA



BRUCE BRESLOW
Director, B & I

ANDREW J. MACKAY
Chairman
MONICA B METZ
Commissioner
GEORGE ASSAD
Commissioner

DEPARTMENT OF BUSINESS AND INDUSTRY
NEVADA TRANSPORTATION AUTHORITY

MINUTES OF THE July 2, 2013 GENERAL MEETING

AGENDA

1. Call to Order

Chairman Andrew J. MacKay called the meeting to order at approximately 9:35a.m.

2. Roll Call

Present in Las Vegas: Chairman Andrew J. MacKay, Commissioner Monica B Metz, Commissioner George Assad, Administrative Attorney James Day, Applications Manager Liz Babcock, Financial Analyst Yvonne Shelton, Financial Analyst Lidia Aronova, Chief of Enforcement, Michael Bradford, Senior Deputy Attorney General David Newton, Deputy Attorney General Christopher Eccles.
Present in Reno: Deputy Commissioner Marilyn Skibinski

3. Pledge of Allegiance

Commissioner Metz led a recital of the pledge.

4. Public Comment:

None

5. Approval of Agenda

Senior Deputy Attorney General Newton stated there has been a change to the Open Meeting Law indicating the Notice and/or Agenda must include information regarding the Agency individual responsible for maintaining the noticing and public binder, to include name, email and phone number of such person. Also that the Agenda must be sent to the Department of Administration to be posted.

Administrative Attorney Day requested Items 26 and 31 be removed from the Agenda, and the Item 47 be considered separately. Administrative Attorney Day indicated the language for telephone disconnection has been modified to reflect the Respondent's responsibility to provide the Authority proof of compliance. Senior Deputy Attorney General Newton indicated Items 87 and 88 be tabled and would be heard at a subsequent Authority meeting.

6. Approval of the Minutes of the May 30, 2013 Agenda Meeting

Approved 2-0 with Commissioner Metz abstaining.

7. Approval of the Minutes of the June 13, 2013 Special Agenda Meeting

Approved 2-0 with Commissioner Metz abstaining.

8. Briefings from the Commissioners

Commissioner Metz thanked Chairman MacKay and Commissioner Assad for covering the past 10 weeks during her absence. Commissioner Assad stated this was his one year anniversary and thanked the Authority's legal support staff. Chairman MacKay welcomed Commissioner Metz back, and thanked Enforcement Staff for their efforts in accommodating all the inspections and the enforcement of illegal transportation during the EDC.

9. Briefing from the Deputy Commissioner

Deputy Commissioner Skibinski welcomed Commissioner Metz back, and stated that she is working on reports for end of fiscal year and the implementation of SB210.

10. Report of Legal Counsel

Senior Deputy Attorney General Newton reported that the Underwood litigation was dismissed, that the hearing in the Pink Jeep Petition for Judicial Review was scheduled for Monday, July 8, 2013 and that the stipulated facts in the Fairman case would be due August 15, 2013.

ADMINISTRATIVE CITATIONS AND IMPOUNDMENTS

Items 11-69, with the exception of Items 18, 19, 20, 26, 31 and 47, were considered collectively and Approved 2-0, with Commissioner Metz abstaining. Items 18, 19, and 20 were considered collectively and Approved 3-0.

11. Citation 16281 issued to Jason Kenneweg for violations of NRS 706.386 and NRS 706.758. (AJM)

12. Citation 14194 issued to Raine Family Towing - Roadrunner Inc. for violations of NAC 706.311 (2 counts). (AJM)

13. Citation 16199 issued to William Broadus for violations of NRS 706.386 and NRS 706.758. (AJM)

14. Citation 16147 issued to Mohammed Jasim Uddin for a violation of NAC 706.3761. (AJM)

15. Citation 16401 issued to Allied Van for violation of NRS 706.285. (AJM)

16. Impound 2157. The impoundment pursuant to NRS 706.476 of a vehicle registered to Tahoe Truckee Meadows Delivery. (AJM)

17. Impound 2159 and Citation 16278. The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 16278 issued to Richard Seegmiller for violations of NRS 706.386 and NRS 706.758. (AJM)

18. Citation 15990 issued to Patrick John Mangini for violations of NRS 706.386 and NRS 706.758. The Authority will consider an Amended Order to correct the errant telephone number listed in the Final Order approved at the March general session. (MBM)

19. Citation 16258 issued to Jimmy Le for violations of NRS 706.386 and NRS 706.758. (MBM)

20. Impound 1578. The impoundment pursuant to NRS 706.476 of a vehicle registered to Thu Thuy Thi Bui. (MBM)

- 21. Citation 15825** issued to Frank Valdez for violations of NRS 706.386 and NRS 706.758. (GA)
- 22. Citation 16071** issued to Clonda Brittman for a violation of NAC 706.228. (GA)
- 23. Citation 16081** issued to Matthew Struckhoff for a violation of NAC 706 as amended by LCB File No. R127-07. (GA)
- 24. Citation 16091** issued to Tedros Menghis for a violation of NAC 706 as amended by LCB File No. R127-07(1). (GA)
- 25. Citation 16092** issued to Girum Kassa for a violation of NAC 706.228. (GA)
- 26. Citation 16107** issued to Aria Ariano for violations of NRS 706.386 and NRS 706.758. (GA) –
This item was removed from the Agenda prior to consideration.
- 27. Citation 16117** issued to Gabriel Edwards for violations of NRS 706.386 and NRS 706.758. (GA)
- 28. Citation 16118** issued to Daniel Welde-Mariam for a violation of NAC 706 as amended by LCB File No. R127-07. (GA)
- 29. Citation 16119** issued to Gregory Dugger for violations of NRS 706.386 and NRS 706.758. (GA)
- 30. Citation 16120** issued to Anthony Villapanda for a violation of NAC 706 as amended by LCB File No. R127-07(1).(GA)
- 31. Citation 16182** issued to Danny Armstrong for violations of NRS 706.386 and NRS 706.758. (GA)
This item was removed from the Agenda prior to consideration.
- 32. Citations 16197 and 16198** issued to Ahron Sas/All About Service Limo for violations of NAC 706.203, NAC 706.206 and NRS 706.398. (GA)
- 33. Citation 16205** issued to Elvin Stevenson for violations of NRS 706.386 and NRS 706.758. (GA)
- 34. Citation 16216** issued to Saul Osman Ortega for violations of NAC 706 as amended by LCB File No. R127-07(1) and NAC 706.247/49CFR 391.41. (GA)
- 35. Citation 16268** issued to Kelvin John for violations of NRS 706.386 and NRS 706.758. (GA)
- 36. Citation 16269** issued to Michael Bergin for violations of NRS 706.386 and NRS 706.758. (GA)
- 37. Impound 1503.** The impoundment pursuant to NRS 706.476 of a vehicle registered to Sunset Limousine Service. (GA)
- 38. Impound 2010.** The impoundment pursuant to NRS 706.476 of a vehicle registered to Golden Sunset, LLC/Alla Koudriavsteva. (GA)
- 39. Impound 2060.** The impoundment pursuant to NRS 706.476 of a vehicle registered to P.V. Holding Corporation/Avis. (GA)

- 40. Impound 2062.** The impoundment pursuant to NRS 706.476 of a vehicle registered to Gregory Dugger. (GA)
- 41. Impound 2064.** The impoundment pursuant to NRS 706.476 of a vehicle registered to Richard Sciacca. (GA)
- 42. Impound 2065.** The impoundment pursuant to NRS 706.476 of a vehicle registered to Hertz Vehicles, LLC. (GA)
- 43. Impound 2066.** The impoundment pursuant to NRS 706.476 of a vehicle registered to Norma Bushnell. (GA)
- 44. Impound 1575 and Citation 16096.** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 16096 issued to Henry Kimoto for violations of NRS 706.386 and NRS 706.758. (GA)
- 45. Impound 2011, Impound 2079 and Citation 16095.** The impoundment pursuant to NRS 706.476 of vehicles registered to and Citation 16095 issued to Willie Kellum for violations of NRS 706.386 and NRS 706.758. (GA)
- 46. Impound 2016 and Citation 16264.** The impoundment pursuant to NRS 706.476 of the vehicle registered to and Citation 16264 issued to Joe Elias for violations of NRS 706.386 and NRS 706.758. (GA)
- 47. Impound 2055 and Citation 16377.** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 16377 issued to Jose Diaz for violations of NRS 706.386 and NRS 706.758. (GA)
- Mr. Diaz was present and requested that the citation fine amount be reduced. Commissioner Assad recommended that the suspended portion of the NRS 706.386 fine amount be increased from \$1,500.00 to \$1,750.00. Approved 2-0 as amended with Commissioner Metz abstaining*
- 48. Impound 2063 and Citation 15824.** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 15824 issued to Kaimana Curtis Chow for violations of NRS 706.386 and NRS 706.758. (GA)
- 49. Impound 2067 and Citation 16124.** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 16124 issued to Bessy Hernandez for violations of NRS 706.386 and NRS 706.758. (GA)
- 50. Impound 2068 and Citation 16121.** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 16121 issued to Robert Baldwin for violations of NRS 706.386 and NRS 706.758. (GA)
- 51. Impound 2069 and Citation 16125.** The impoundment pursuant to NRS 706.476 of the vehicle registered to and Citation 16125 issued to Earl Silviera for violations of NRS 706.386 and NRS 706.758. (GA)

- 52. Impound 2075 and Citation 16219.** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 16219 issued to Michael Reeves for violations of NRS 706.386 and NRS 706.758. (GA)
- 53. Impound 2076 and Citation 16353.** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 16353 issued to Alberto Ramirez-Hernandez for violations of NRS 706.386 and NRS 706.758. (GA)
- 54. Impound 2077 and Citation 16355.** The impoundment pursuant to NRS 706.476 of the vehicle registered to and Citation 16355 issued to William Van Den Ouden for violations of NRS 706.386 and NRS 706.758. (GA)
- 55. Impound 2078 and Citation 16301.** The impoundment pursuant to NRS 706.476 of the vehicle registered to and Citation 16301 issued to Tyler Weber for violations of NRS 706.386 and NRS 706.758. (GA)
- 56. Citation 15822** issued to Commerce Auto Towing for violations of NAC 706.247/49CFR 382.305 and NRS 706.4465.
- 57. Citation 16086** issued to Gashahun Beyin for a violation of NAC 706.228
- 58. Citation 16090** issued to Yohannes Habte for a violation of NAC 706.228.
- 59. Citation 16093** issued to Yalem Gedion for a violation of NAC 706.228.
- 60. Citation 16094** issued to Goitom Ghebretensae for violations of NAC 706.228 and NAC 706.247/49CFR 391.41.
- 61. Citation 16110** issued to Nicholas Myers for a violation of NAC 706 as amended by LCB File No. R127-07(1).
- 62. Citation 16112** issued to Craig Clemens for a violation of NAC 706 as amended by LCB File No. R127-07(1).
- 63. Citations 16210 and 16211** issued to B & E Inc. d/b/a Snap Towing for violations of NAC 706.412, NRS 706.451, NAC 706.360 and NAC 706.381.
- 64. Citation 16215** issued to Centennial Transportation, LLC for a violation of NAC 706.247/49 CFR 391.41.
- 65. Citation 16221** issued to Ronald D. Hurt for a violation of NAC 706 as amended by LCB File No. R127-07(1).
- 66. Citations 16224 and 16225** issued to 24/7 Towing, Inc. for violations of NAC 706.381, NAC 706.405 and NAC 706.412.
- 67. Citation 16272** issued to Castillo Towing for a violation of NRS 706.285.
- 68. Citation 16405** issued to D & S Towing for violations of NAC 706.311 and NRS 706.4477.

- 69. Citations 16552 and 16553** issued to Discount Towing for violations of NRS 706.285, NAC 706.203 and NAC 706.206.

**APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND
NECESSITY TO PROVIDE TOW CAR SERVICE**

- 70. Docket 13-02022** The Application of Michael C. Costello d/b/a Reno Tow & Transport for a certificate of public convenience and necessity to provide tow car service by tow car vehicle within the State of Nevada. Staff investigation concluded. (AJM)
Chairman MacKay summarized the application and indicated Staff support. Approved 3-0

**APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND
NECESSITY TO PROVIDE CHARTER BUS SERVICE**

- 71. Docket 13-02025** The Application of DKBM Enterprise, Inc. d/b/a Ruckus Transportation for a certificate of public convenience and necessity to provide charter bus service within the State of Nevada. Staff investigation concluded. (MBM)
Applications Manager Liz Babcock summarized the application and indicated staff support. David Kim and Beau McMinn were present on behalf of the Applicant. Approved 3-0

VOLUNTARY CANCELLATIONS

- 72. Docket 13-05028** The voluntary cancellation of Scott DeChambeau d/b/a South Tahoe Towing of Certificate of Public Convenience and Necessity 7050, Sub 1. Staff investigation concluded.
Chairman MacKay summarized the request. Approved 3-0
- 73. Docket 13-06009** The voluntary cancellation of Joseph W. Arriola d/b/a American Fiberglass and Auto Body of Certificate of Public Convenience and Necessity 7175. Staff investigation concluded.
Chairman MacKay summarized the request. Approved 3-0

NAME CHANGES

- 74. Docket 13-04019** The Petition of Open Top Sightseeing Las Vegas, LLC to change their name by adding d/b/a Big Bus Tours for services provided under Certificate of Public Convenience and Necessity 2004, Sub 10. Staff investigation concluded.
Chairman MacKay summarized the Petition and indicated staff support. Kimberly Maxson-Rushton, Esquire, thanked staff for the Interim Order and the accommodation. Approved 3-0
- 75. Docket 13-06012** The Petition of CLS Nevada, LLC to change their name by adding d/b/a United Car Service of Las Vegas, and d/b/a United for purposes of marking vehicles, for services provided under Certificate of Public Convenience and Necessity 1011. Staff investigation concluded.
Chairman MacKay summarized the Petition and indicated staff support. Brent Carson, Esquire was present on behalf of the Applicant and thanked staff for the accommodation. Approved 3-0

PETITIONS FOR RECONSIDERATION

76. Docket 12-09019 The United States Surface Transportation Board’s approval of the sale and transfer of CPCN’s 2016, Sub 2 from CUSA K-TCS, LLC d/b/a CoachAmerica and CPCN 2115 from CUSA K-TCS, LLC d/b/a Gray Line Airport Shuttle to Evergreen Trails, Inc. d/b/a Horizon Coach Lines. Protestant Livery Operators Association of Las Vegas (“LOA”) petitions for reconsideration of the final Order issued in this matter at the Authority’s April 25, 2013 general session. Specifically, the LOA requests that the Authority amend the final Order to deem it a “party of record.” (MBM)

Kimberly Maxson-Rushton, Esquire was present on behalf of the Livery Operators Association of Las Vegas and summarized the request. Commissioner Metz stated that as Presiding Officer she treated the LOA as a party throughout the proceedings. Mrs. Rushton agreed to submit a written Petition for Leave to Intervene. By a vote of 3-0 matter reopened with LOA to file a PLTI to gain party status.

77. Docket 09-06022 In the Matter of the joint application of Pro-Action Limousine & Concierge Services, Inc. for authority to sell and transfer and of The Kirk-Hughes Sampson Family Trust to purchase and acquire the authority to provide charter limousine service within Clark and Nye Counties, Nevada under Certificate of Public Convenience and Necessity 1090. Petitioners Sam Callis and Shirldean Callis ask the Authority to reopen this docket, or in the alternative initiate an Order to Show Cause docket, based upon the Applicants’ alleged failure to comply with the terms of the final Order approving the sale and transfer (approved at the Authority’s July 13, 2011 general session). (MBM)

Judy Braecklein was present on behalf of Pro-Action Limousine, appearing for Mrs. Kirk-Hughes who has been on medical leave. Mr. Brent Carson, Esquire, appeared for Mr. James Kent, Esquire. Commissioner Metz summarized the matter and her concerns about the timeliness of the Petition and the Authority’s jurisdiction. By a vote of 3-0 matter tabled with parties to file reply and response briefs.

FINANCIAL RATES AND TARIFFS

78. Docket 13-05007 The Application of Jacob Transportation Services, LLC d/b/a Executive Las Vegas for approval of a tariff rate modification for charter limousine, airport transfer and special services conducted under Certificate of Public Convenience and Necessity 1062, Sub 8. Staff investigation concluded.

Minority owner James J. Jimmerson was present on behalf of the Applicant and summarized the request. Financial Analyst Yvonne Shelton stated staff supports the application. Approved 3-0

79. Docket 13-05015 The Application of Royalty Limos, LLC d/b/a VLS for approval of a tariff rate modification for charter limousine, airport transfer and special services conducted under Certificate of Public Convenience and Necessity 1059, Sub 6. Staff investigation concluded.

General Manager Angow Ademe was present on behalf of the Applicant. Financial Analyst Yvonne Shelton summarized and indicated staff support. Approved 3-0

80. Docket 13-05025 The Application of Quick Tow, Inc. d/b/a Quick Response for approval of a tariff rate modification for tow car services conducted under Certificate of Public Convenience and Necessity 7202, Sub 1. Staff investigation concluded.

Financial Analyst Yvonne Shelton summarized the request and indicated staff support. Approved 3-0

81. Docket 13-06014 The Application of Presidential Limousine, Inc. for approval of a tariff rate modification for charter limousine and special service conducted under Certificate of Public Convenience and Necessity 1007, Sub 4. Staff investigation concluded.

Jeffrey Silver, Esquire was present on behalf of the Applicant. Financial Analyst Yvonne Shelton summarized the request and indicated staff support. Approved 3-0

82. Docket 13-06016 The Application of AWG Ambassador, LLC d/b/a Ambassador Limousine for approval of a tariff rate modification for charter limousine service conducted under Certificate of Public Convenience and Necessity 1041, Sub 4. Staff investigation concluded.

Considered collectively with Item 83.

83. Docket 13-06017 The Application of AWG Ambassador, LLC d/b/a AWG Charter Service for approval of a tariff rate modification for charter limousine service conducted under Certificate of Public Convenience and Necessity 1068, Sub 4. Staff investigation concluded.

Owner Alan Waxler and legal counsel Brent Carson were present on behalf of the Applicant. Financial Analyst Yvonne Shelton summarized the request and indicated staff support. Approved 3-0

APPLICATIONS FOR FULLY REGULATED CARRIERS

84. Docket 11-07004 The Joint Application of Phyllis J. Clemmer d/b/a Fernley Taxi. to sell and transfer and of Roy L. Street d/b/a Capital Cab Company to purchase and acquire the authority to provide taxicab service conducted under Certificate of Public Convenience and Necessity 1030, Sub 1. Staff investigation concluded. (AJM)

Chairman MacKay summarized the Application and expressed his support. Commissioner Metz questioned the language in the grant of authority appearing in the draft order. Applications Manager Liz Babcock clarified that as a result of the sale and transfer CPCN 1030 would be canceled and the authority thereunder merged into CPCN 2445. Approved 3-0. Upon concerns stated by Commissioner Metz and Senior Deputy Attorney General Newton regarding the noticing of this item and the proposed cancellation of CPCN 1030, motion to rescind this approval was approved 3-0 and the item tabled until the next subsequent general session of the full authority.

85. Docket 11-10015 The Application of Roy L. Street d/b/a Capital Cab Company for an expansion of operating authority granted under Certificate of Public Convenience and Necessity 2445, Sub 3. Staff investigation concluded. (AJM)

Chairman MacKay summarized the Application, and suggested that the grant of authority be restated to include the geographic limitation as Washoe County within the Lake Tahoe drainage basin (rather than state the limitation as a restriction), and expressed his support. Approved 3-0, with the removal of the language in the proposed Order that was contingent upon the approval of docket 11-07004.

86. Docket 12-11004 The Joint Application of the Larry E. Bell Separate Property Trust for authority to transfer and of Larry E Bell, Jr. to acquire 33.33% of the voting stock of Presidential Limousine, A Nevada Corporation (authorized to provide charter limousine and charter bus service under Certificates of Public Convenience and Necessity 1007, Sub 4 and 2119, respectively). Staff investigation concluded. (AJM)

Attorney Jeffrey Silver, Esquire was present on behalf of the Applicant. Chairman MacKay summarized the request. Applications Manager Liz Babcock noted that the transfer would result in no operational changes and expressed Staff support. Approved 3-0.

87. Docket 13-02014 The request for approval of a Management Agreement by CLS Nevada, LLC d/b/a CLS Transportation Las Vegas authorized to conduct charter limousine service, airport transfer service, and charter bus service under Certificates of Public Convenience and Necessity 1011, Sub 4 and 2066, Sub 1. Staff investigation concluded.

This item was removed from the Agenda prior to consideration.

88. Docket 13-04030 The Joint Application of CLS Nevada, LLC d/b/a CLS Transportation Las Vegas and Proper Transportation, LLC pursuant to NAC 706.359 requesting approval for the temporary transfer of Certificates of Public Convenience and Necessity 1011, Sub 4 and 2066, Sub 1, to Proper Transportation, LLC pending the application and approval of the final sale and transfer. Staff investigation concluded.

This item was removed from the Agenda prior to consideration.

ORDERS TO SHOW CAUSE

89. Dockets 13-02028 and 13-02029. The Orders to Show Cause issued to Knight Limo Service, Inc. and Pahump Valley Taxi, Inc. as to why Certificates of Public Convenience and Necessity 1060 and 1024.1 should not be revoked. The Authority will consider Commissioner Assad's recommendation that both certificates be revoked. (GA)

No one appeared on behalf of the carriers/Respondents. Commissioner Assad summarized the matter and recommended revocation of both CPCN's based upon all the reasons set forth in his proposed Order. Approved 3-0.

APPLICATIONS TO DISMISS

90. Docket 12-08023 The Application of Kity Enterprise, LLC d/b/a Mimi Towing for a certificate of public convenience and necessity to provide tow car service by tow car vehicle within the State of Nevada. Deputy Commissioner's Motion to Dismiss Application. (GA)

Deputy Attorney General Chris Eccles summarized the procedural history of the application and the grounds for the Motion to Dismiss. Motion granted by a vote of 3-0.

DISCUSSION ITEMS

91. The Authority will discuss the standards for signage declaring prohibitions or restrictions on public parking pursuant to NAC 706.427 and NRS 487.038. Specifically, Chairman MacKay will lead a discussion of whether generalized language such as "Authorized Parking Only" is in all circumstances adequate to convey the parking restrictions or prohibitions on private property. (AJM)

*Chairman MacKay summarized the issue and stated that in his opinion generalized language such as "Authorized Parking Only" is **not** in all circumstances adequate to convey the parking restrictions or prohibitions on private property, citing specifically the area surrounding the Peppermill Restaurant on the Las Vegas Strip. By a vote of 3-0 the Authority determined that it would notify non-consent tow carriers that signage for non-consent tows must convey that parking is prohibited or that parking is restricted in a **certain** manner, with the carriers to be given 90 days to comply.*

92. Public Comment

None

93. Adjournment

Meeting was adjourned at approximately 12:45p.m.